

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEATHER CUCCIA,

Plaintiff,

-v-

GENESIS BAYUELO-PERRI and HF MANAGEMENT
SERVICES, LLC d/b/a HEALTHFIRST, INC.,

Defendants.
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24 Civ. 2091 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:


On March 20, 2024, Defendant HF Management Services, LLC (“HF Management”) filed a Notice of Removal, removing this action from the New York Supreme Court, New York County, and invoking this Court’s original jurisdiction under 28 U.S.C. § 1331. Dkt. 1. In that Notice of Removal, HF Management represented that it received neither the state court summons from the New York Secretary of State nor a physical mailing the summons. *Id.* ¶ 2. According to HF Management, it “did not receive notice of this action until March 13, 2023 when Plaintiff’s counsel sent it by email to” HF’s Associate General Counsel. *Id.* Thus, according to HF Management, its removal was timely. *See* 28 U.S.C. § 1446(b)(2)(B) (“Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.”).

Plaintiff has moved to remand this proceeding to New York Supreme Court pursuant to 28 U.S.C. § 1447(c), maintaining that HF Management’s removal was untimely because Plaintiff had served HF Management via the New York Secretary of State on December 1, 2023. Dkt. 9. Defendants have filed a letter brief opposing remand, Dkt. 14, and Plaintiff has replied, Dkt. 18. By October 4, 2024, HF Management shall file an affidavit from an individual competent to testify

about the mail HF Management received between November 28, 2023 and March 13, 2024, certifying under penalty of perjury whether that entity received service of Plaintiff's initial pleading or summons during this period and attaching any documentation in support of that position.

SO ORDERED.

Dated: September 26, 2024
New York, New York



JOHN P. CRONAN
United States District Judge